

Santa Clara Valley Habitat Plan

Transportation &
Environment Committee

April 7, 2008

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SANTA CLARA VALLEY HCP/NCCP PARTNERSHIP



Jones & Stokes

What is the Habitat Plan?

- Habitat Conservation Plan (HCP) to comply with the Federal Endangered Species Act
- Natural Community Conservation Plan (NCCP) to comply with the State NCCP Act
- Mechanism to resolve conflicts between threatened and endangered species and development activities
- Plan to conserve species and habitats **on large regional scale over 50 years** in exchange for permits to “take” threatened or endangered species



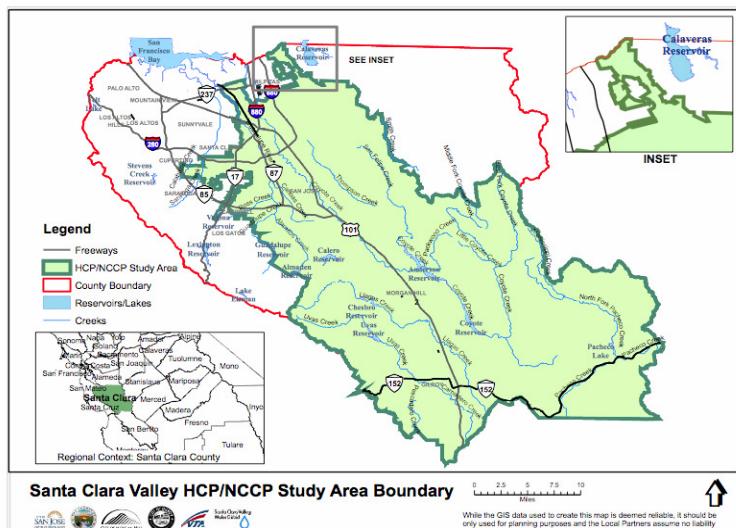
SCV Habitat Plan Origins

- USFWS Sect. 7 Biological Opinion (2001) requires regional HCP
 - Hwy 101 widening (San Jose to Morgan Hill)
 - Bailey Avenue interchange
 - Hwy 85/101 interchange
 - Coyote Valley Research Park
- Local Partners bound by MOU (June 2004)
 - Santa Clara County
 - City of San Jose
 - Santa Clara Valley Water District
 - Santa Clara Valley Transportation Authority
 - City of Gilroy and City of Morgan Hill (2005)
- NCCP Planning Agreement signed by all October 2005
- Participating Agencies:
 - CA State Parks, CA Dept. Fish & Game (CDFG), US Fish & Wildlife Service (USFWS), National Marine Fisheries Service (NMFS)



Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan

Study Area



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What the Habitat Plan Will Do

- **Provide permit certainty.** USFWS, CDFG, NMFS issue permits for “take” of listed species to Local Partners.
- **Streamline projects.** Local Partner jurisdictions will extend this take authorization to applicants who meet requirements of Habitat Plan.
- **Pre-defined mitigation.** Provide large-scale habitat and species conservation in areas of high biological value—avoid project-by-project approach.
- **Provide new money.** Attract new sources of state and federal funding for conservation in County.
- **Provide biological data.** GIS based approach with land covers mapped for the entire study area.

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1. Permit Term

- ***Duration of the Plan as agreed to by wildlife agencies in the Implementation Agreement***
- **Issues:**
What should be the duration of permit term?
- **Recommendation:**
 - ✓ 50-year permit term
 - ✓ Annual monitoring & reporting
 - ✓ Comprehensive “audit” every 5 years
 - ✓ Land acquisition completed by year 45 (or 40)

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2. Covered Activities

- ***Activities that will receive authorization for species take permits***
- **Issue:**
What public and private sector activities should be covered in the Habitat Plan?
- **Recommendation:**
 - ✓ Implement City's General Plan within UGB
 - ✓ Also rural development, new public infrastructure, operations and maintenance
 - ✓ Implementation of Habitat Reserve System

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3. Preferred Conservation Strategy

- ***Preferred strategy attempts to provide appropriate balance of habitat enhancement and acquisition***
- **Issue:**
Should the Habitat Plan move forward with current preferred conservation strategy?
- **Recommendation:**
 - ✓ Provide a balanced conservation strategy between enhancement of existing open space and streams, and acquisition of new open space lands
 - ✓ Acquire approx. 45K acres new land and monitor approx. 25K high-value habitat, preserve wildlife connections, etc.

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Conservation Strategy Highlights

- Acquisition and enhancement of ~45,000 acres of high-quality habitat
 - Fee title and conservation easement
- Enhancement on public lands of ~25,000 acres of important habitat
- Restoration of 1,000 acres of degraded habitats and 45 miles of degraded stream
- Focused conservation actions throughout study area to benefit the covered species
- Long-term management and monitoring



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4. Project Review Process

- ***City will be required to implement habitat survey and evaluation requirements and conditions as identified in Habitat Plan to projects***
- **Issues:**
What principles should be included in the Habitat Plan to guide the review process?
- **Recommendation:**
 - ✓ Some principles have been identified for incorporation in Habitat Plan (draft Chap. 6)
 - ✓ Two draft conditions of approval have been identified for urban development
 - ✓ Some exemptions have been identified

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5. Habitat Plan Costs

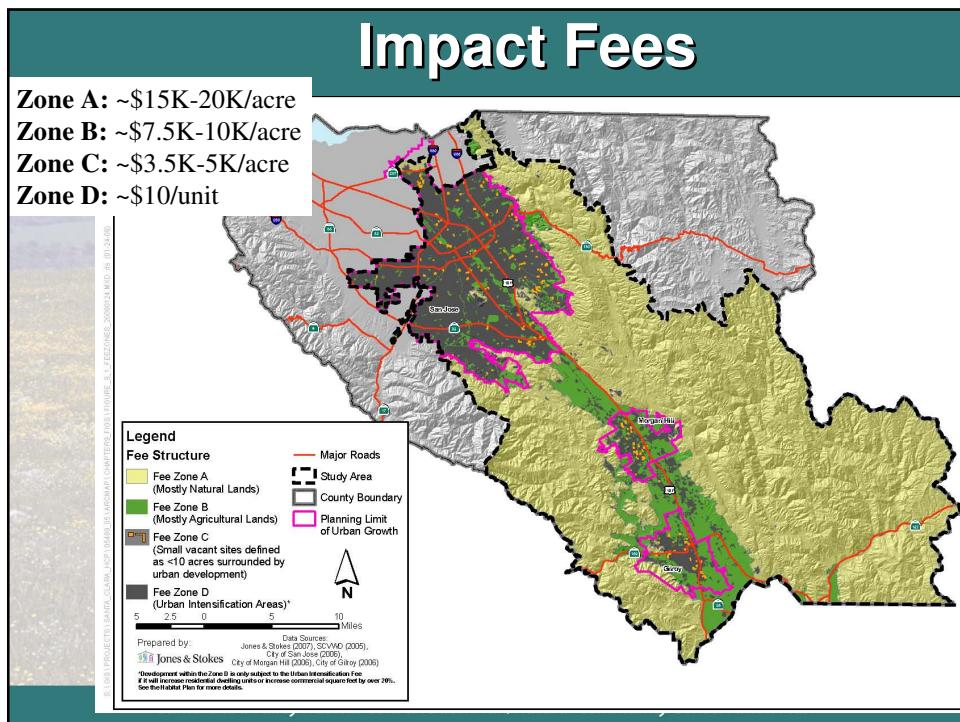
- **An accurate estimate of full Habitat Plan costs is essential to demonstrating adequate funding and meeting regulatory standards**
- **Issue:**
Have the correct cost principles been identified to guide the Habitat Plan?
- **Recommendation:**
 - ✓ Estimated Habitat Plan costs, approx. \$800-900 million over 50 years for preferred conservation strategy, should be incorporated into Draft Habitat Plan

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6. Habitat Plan Funding

- **Evidence of secured funding sources is a regulatory requirement of the Habitat Plan**
- **Issues:**
 - ✓ Is the identified funding strategy regarding types and timing of fees acceptable to the City?
 - ✓ Should there be a fees grace period for projects in the pipeline prior to Habitat Plan approval?
- **Recommendation:**
 - ✓ Majority of funding by development impact fees
 - ✓ Lesser funding by existing open space agencies and State and Federal grants
 - ✓ Fee amounts are tiered to coincide with habitat value impacts – urban development is the lowest

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7. Implementing Entity

- **Habitat Plan is required to include an organizational structure for implementation**
- **Issue:**
What is the appropriate organizational structure for the Implementing Entity?
- **Recommendation:**
 - ✓ No organizational structure recommendation at this time
 - ✓ Some guiding principles, functions & attributes have been identified

Next Steps

- City Council (April 22, 2008)
- Liaison Group consideration of elected bodies' comments (May 8, 2008)
- 90- day Public review of Draft Habitat Plan and EIR/EIS (early 2009)
- Approve Final Habitat Plan and EIR/EIS (late 2009)
- Agency Permits issued in early 2010
- Adopt local ordinances early to mid-2010

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Contact Information

Santa Clara Valley Habitat Plan

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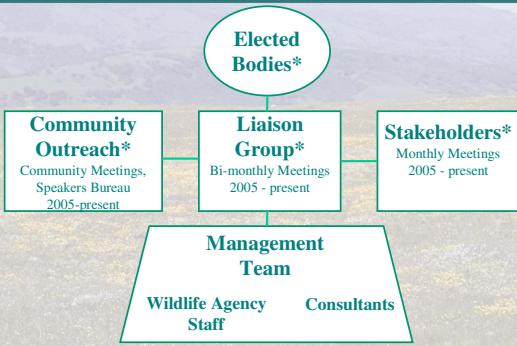
BACKGROUND

Transportation & Environment Committee

April 7, 2008

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SCV HP Organization Structure



* All meetings open to public

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Regional HCPs: How They Work

Endangered Species Permits from state & federal wildlife agencies

Permit(s) issued to local agencies or JPA (county, city, water agency, special district)

Take authorization for agency projects and O&M

Take authorization for projects under agency jurisdiction

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What is “take”?

- Defined in the Federal and State Endangered Species Acts with some differences
- Generally is action of or attempt to hunt, harass, harm, pursue, shoot, wound, capture, kill, trap or collect a species
- Federal applies to fish and wildlife species
- State also applies to plants
- Harm includes significant habitat modification or degradation

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Covered Species

30 species total; 15 wildlife species

Townsend's big-eared bat
Western pond turtle
San Joaquin kit fox
Golden eagle
Steelhead trout
CA red-legged frog
CA tiger salamander
Bay checkerspot butterfly
Tricolored blackbird
Western burrowing owl
Most beautiful jewelflower
Santa Clara Valley dudleya
Smooth lessingia
Fragrant fritillary
Hall's bush mallow
Coyote ceanothus
Mt. Hamilton thistle
Chaparral harebell

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Covered Species

15 plant species

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Permit Term Considerations

- Local planning documents and time horizons
- Time needed to implement and fund all covered activities, Conservation Strategy and maintain Plan in perpetuity
- Permit terms of large, regional HCP/NCCPs generally 30-50 yrs
- All land and easement acquisition must occur by year 45
 - Stay ahead ratio
 - Habitat management and monitoring continue beyond permit term in perpetuity
- Annual reporting & status reviews every 5 yrs.

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Covered Activities

- Urban development (Cities)
 - Consistent with approved General Plans and urban growth boundaries (e.g., SJ Greenline/Urban Growth Boundary)
- Rural development (County)
- New Public Infrastructure
 - Flood protection projects
 - Road widening, bridge replacement
 - Park and trail construction
- Operation & maintenance of facilities (e.g. work related to parks, streams, reservoirs, canals & roads)
 - Acquisition, management & monitoring of Reserve

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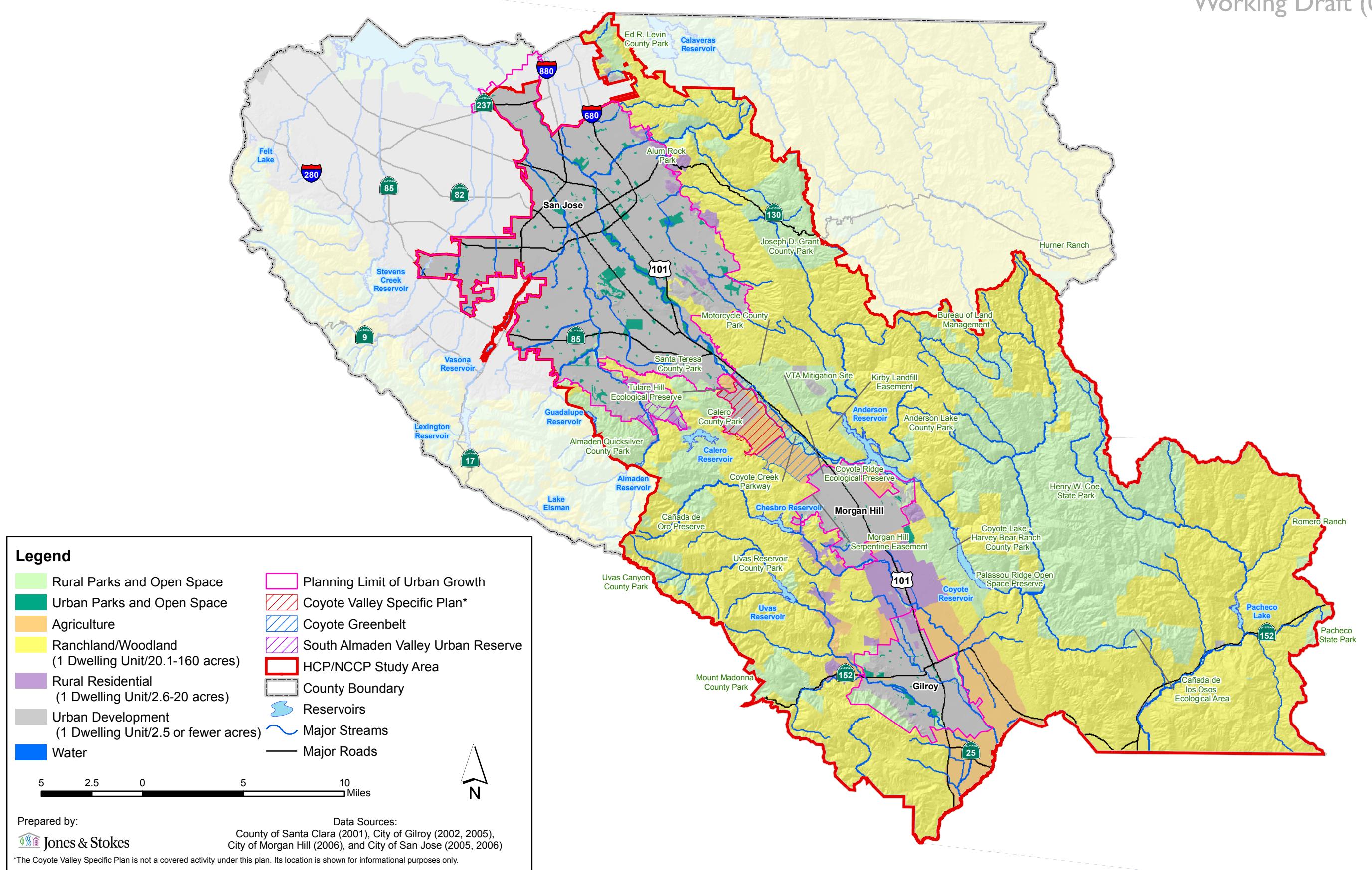
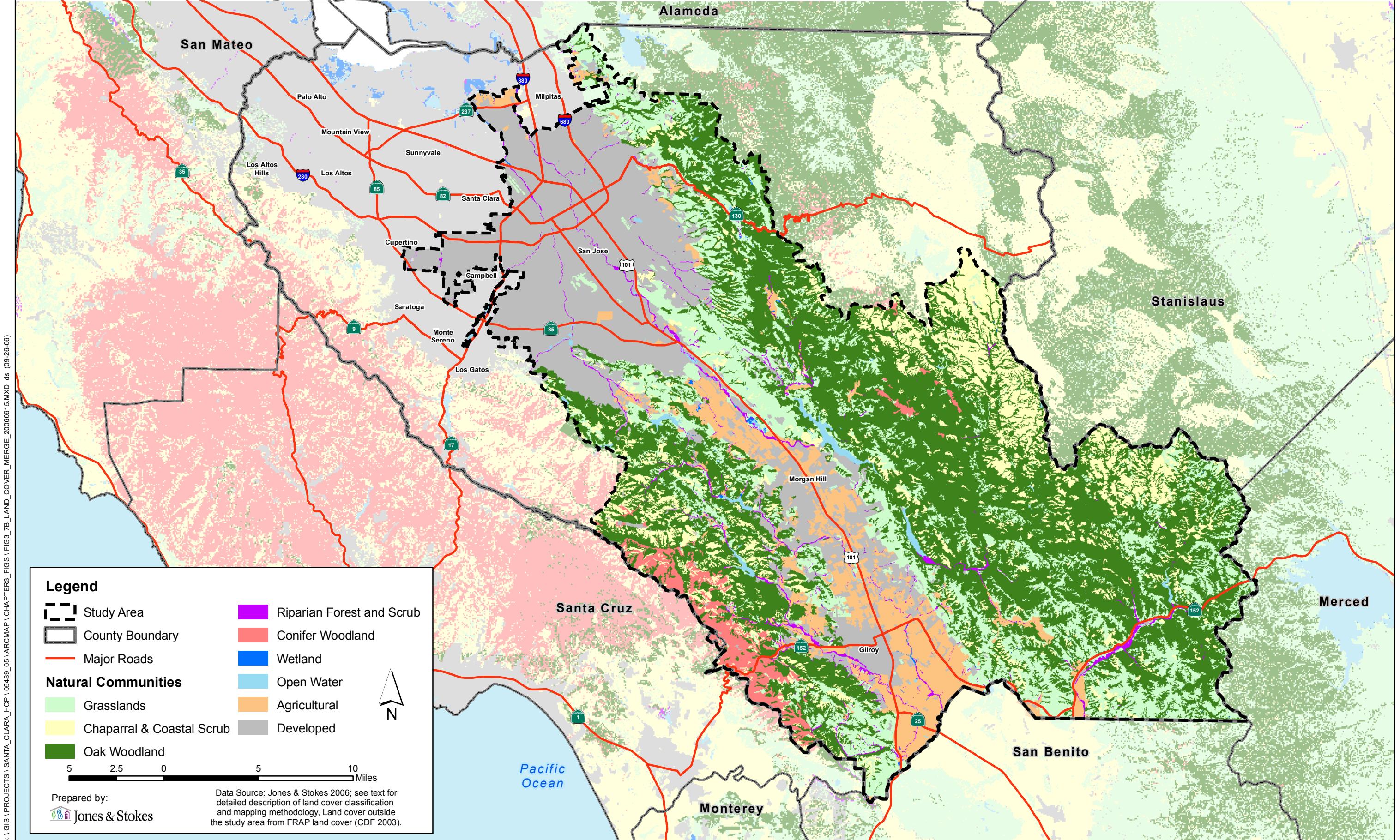


Figure 2-2
Santa Clara Valley HCP/NCCP Land Use Categories



Working Draft (04-26-2007)

Figure 3-9
Santa Clara Valley HCP/NCCP Natural Communities

Impact Estimates

- Based on a 50-year permit term
- Total permanent impacts = ~ 25,000 acres
 - ~15,000 acres = Urban development; most in Gilroy and Morgan Hill (1,400 acres in San Jose)
 - ~3,500 acres = Public infrastructure projects
 - ~6,500 acres = Rural development (County)
- Temporary impacts per year = ~2,000 acres (many in same locations)
- **Total estimated direct impact = ~27,000 acres**

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Regional Avoidance Approach

- Covered activities allowed on biologically low- or no-value areas
- High-value areas are targeted for conservation
- Money typically spent on surveys and on-site avoidance to be directed (in part) to more effective conservation efforts
- Some resources must still be avoided or impacts minimized

➤ Streams, riparian areas, habitat for some covered wildlife

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Draft Conservation Strategy Alternatives

Parameter (Table 5-11A)	Alternative 1	Alternative 2	Alternative 3
Reliance on existing conservation areas	Maximize enhancement	Targeted enhancement	No credit
Approximate scale for enhancement	Up to 98,000 acres	40-50,000 acres	None
New land acquired for Reserve System	30,000 acres	40,000 acres	58,000 acres

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Preferred Cons. Strategy Highlights

1. Preserve and enhance in perpetuity approximately 45,000 acres of new land obtained from willing sellers through fee title and conservation easements.



2. Enhance and monitor approximately 25,000 acres of high-value species habitat in 7 County Parks and 1 State Park.

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Preferred Cons. Strategy Highlights

5. Restore approximately 1,000 acres of valley oak woodland, riparian woodland, wetland, ponds.
6. Enhance and restore approximately 50 miles of streams.
7. Enhance key native fish-bearing streams (e.g., Coyote Creek, Guadalupe River, Uvas Creek, Pacheco Creek and Pajaro River) by:
 - Removing or modifying barriers to fish movement,
 - Increasing summer base water flows and spring pulse water flows from reservoirs during critical life stages of steelhead trout and Chinook salmon, and
 - Improving in-stream habitat conditions.



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Preferred Cons. Strategy Highlights

8. Establish a state-of-the-art framework for effective, active, long-term management of the Reserve System and streams outside the Reserve System to maintain and enhance populations of covered and other native species.
9. Establish a comprehensive, science-based monitoring program to ensure that management actions are effective at meeting the conservation objectives of the Habitat Plan.
10. A commitment to own and manage in perpetuity the lands and biological improvements acquired through the Plan.

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Conditions on Covered Activities

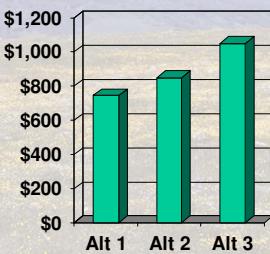
Key issues:

- Avoid direct impacts on no-take plant and wildlife species
- Minimize and avoid impacts on sensitive habitats
 - Streams, riparian areas, wildlife corridors, serpentine soil
- Rural areas
 - Encourage compact development
 - Minimize impacts on areas with natural land covers
- New Projects
 - Minimize impacts on wildlife movement corridors
- On-going Operations & Management in streams
 - Apply best management practices already in use by SCVWD

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Program Costs

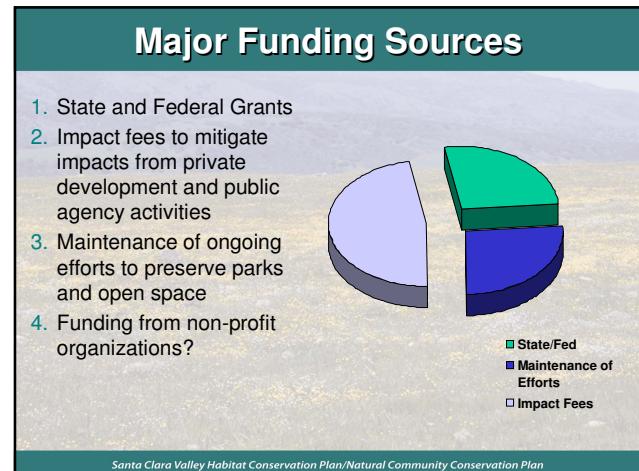
- Preliminary cost estimates for three conservation alternatives suggests total program costs ranging from \$700 million to \$1.2 billion.
- Emerging preferred conservation strategy = \$800-\$900 million
- Land acquisition makes up roughly a third to a half of the total program costs.



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Parameter	SC Valley Habitat Plan (Alt. 2)	East Contra Costa County HCP/NCCP	W Riverside County HCP/NCCP	Placer County HCP/NCCP
Status	In process	Approved 2007	Approved 2003	In process
Acres acquired	40,000	31,000	62,000	41,000
Permit term	50 years	30 years	75 years	50 years
Land cost	\$361 million	\$236 million	\$812 million	\$1,000 million
Average land cost per acre	\$8,700	\$7,600	\$13,100	\$24,400
Land management per acre	\$97	\$56	\$29	\$110
Program administration per acre	\$26	\$20	\$8	\$15

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Impact Fees

- Base fee charged to public agencies (based on project footprints) and private development (based on parcel size)
- Study Area broken into Fee Zones based on mapped land cover type and habitat value
- Will vary in amount based on the mapped land cover type being impacted
- Will include additional surcharge fees for impacts to a few high-importance habitats (i.e. riparian, wetlands, etc.)
- Will include prorated fees for temporary impacts
- Will apply to ~1400 acres in Zones A & B in San Jose

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